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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/754,323	01/09/2004	Brett W. Sareyka	0326	7488

7590 09/29/2009
Eugene Chovanes
Jackson and Chovanes
Suite 319
One Bala Plaza
Bala Cynwyd, PA 19004-1455

EXAMINER

CHAPMAN, JEANETTE E

ART UNIT	PAPER NUMBER
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3633

MAIL DATE	DELIVERY MODE
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09/29/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary

Application No. 10/754,323	Applicant(s) SAREYKA ET AL.	
Examiner Jeanette E. Chapman	Art Unit 3633	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) Responsive to communication(s) filed on 17 September 2009.
- 2a) This action is **FINAL**. 2b) This action is non-final.
- 3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) Claim(s) 2-7 and 10-12 is/are pending in the application.
4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) Claim(s) _____ is/are allowed.
- 6) Claim(s) 2-7 AND 10-12 is/are rejected.
- 7) Claim(s) _____ is/are objected to.
- 8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) The specification is objected to by the Examiner.
- 10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- 1) Notice of References Cited (PTO-892)
- 2) Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) Information Disclosure Statement(s) (PTO/SB/08)
Paper No(s)/Mail Date _____.
- 4) Interview Summary (PTO-413)
Paper No(s)/Mail Date. _____.
- 5) Notice of Informal Patent Application
- 6) Other: _____.

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

Claims 2-7 and 10-12 are rejected under 35 U.S.C. 102(b) as being anticipated by Licklitter (3675957) or Sauer (3746379)

Claim 2

Neither licklitter or Sauer discloses the improvement of claim 10, wherein the radius is about .04 inches. Such a limitation would be well within the scope of the invention of the above references. Including the radius would only require routine experimentation. Applicant has not shown that the recited radius causes the connection to function differently or favorably over the prior art

Claim 3

Neither licklieter or Sauer discloses the improvement of claim 10, wherein the dimensions of figure 2a. Such limitations would be well within the scope of the invention of the above references. Including the dimensions would only require routine experimentation. Applicant has not shown that the recited dimensions cause the connection to function differently or favorably over the prior art

Claim 4 (previously presented): As much as Sauer and Licklitter discloses the same elements as the recited invention, such improvement delays contact between the side of

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the slot and the locking latch while a taper on the connector being stabbed through the slot positions the connector vertically within the slot more quickly than without the delay.

Claim 5

As much as Sauer and Licklitter discloses the same elements as the recited invention, such improvement delays contact between the side of the slot and the locking latch, so that a longer lever arm is created to apply force to pivot the locking latch as it is stabbed through the slot than would be created without the delay.

Claim 6 (previously presented): The improvement of claim 10, wherein such improvement delays contact between the side of the slot and the locking latch, so that the lateral friction created between the connector already in the slot, and the connector that is being stabbed through the slot, is substantially reduced from the lateral friction created without the delay.

Claim 7

As much as Sauer and Licklitter discloses the same elements as the recited invention, such improvement delays contact between the side of the slot and the locking latch, so that during the delay, the connector being stabbed through the slot can be adjusted vertically to a position where it locks with the connector already in the slot.

Claim 8 (cancelled)

Claim 9 (cancelled)

Claim 10

Licklitter et al discloses a suspended ceiling grid with a main beam 10 and a cross beam 12, said main beam 10 having a slot 20 between opposing sides, said cross beam 12

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having an end with a connector 40 therein

the improvement comprising

a locking latch 54-58 with a radius in the form of an arc, straight portion 54 and end 56, so that when said connector is stabbed through said slot, said end 56 of said locking latch passes entirely through the slot 20, see figure 4, and is retained on an opposing side of said main beam from said cross beam. See figures 3-4

Claim 10

Sauer discloses a suspended ceiling grid with a main beam 10 and a cross beam 12, said main beam 10 having a slot 20 between opposing sides, said cross beam having an end with a connector 44 therein

the improvement comprising

a locking latch 64 with a radius in the form of an arc, figure 2, straight portion and end, so that when said connector is stabbed through said slot 20, said end 66 of said locking latch 64 passes entirely through the slot 20 and is retained on an opposing side of said main beam 10 from said cross beam 12.

Claim 11

Licklitter and Sauer each discloses (previously presented): In combination, the improvements set forth in claims 2 through 10, above.

Claim 12

Licklitter and Sauer each discloses a connector set forth in claims 2 through 10 that requires substantially less force over a shorter distance with the improvements set forth

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in claim II, to lock the connectors to each other and to the main beam, than is required without the improvements.

Applicant's arguments are moot in view of the new ground of rejection.

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jeanette E. Chapman whose telephone number is 571-272-6841. The examiner can normally be reached on Mon.-thursday, 8:30-6:00.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Richard Chilcot can be reached on 571-272-6777. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Jeanette E Chapman/
Primary Examiner, Art Unit 3633